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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,184	07/30/2003	Ira Neaman	2790/69225	3958
7590 12/09/2004				
NORMAN H. ZIVIN Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036		EXAMINER PATEL, TAJASH D		
		ART UNIT 3765 PAPER NUMBER		

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,184

Applicant(s)

NEAMAN, IRA

Examiner

Tejash D Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/30/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/03 & 1/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyung-Seob (US 5,903,928) in view of Rowan (US 2,011,325)

Hyung-Seob discloses a placket including a button strip having at least one button (2) fixed thereon and a button-hole strip (4) having at least one button-hole (3) positioned to receive the button, which has a dimensioned loop (14) fixed thereto as shown in figure 3B. Further, the loop of the placket is adapted to carry a spectacle item (20), which hangs therefrom as shown in figure 3C. Furthermore, both ends of the loop are fixed by being conventionally sewn to an edge/seam of the button strip as shown in figure 3B. However, Hyung-Seob does not show the loop being folded and hidden when not in use.

Rowan discloses a placket including a button strip having at least one button (3) fixed thereon and a button-hole strip (2) having at least one button-hole (4) positioned to receive the button, which has a dimensioned loop (C) fixed thereto as shown in

figure 1. Further, the loop of the placket is folded and hidden when not in use, page 1, col. 2, lines 13-20 and as shown in figure 2.

It would have been obvious to one skilled in the art to form the loop of Hyung-Seob such that it is hidden when not in use as taught by Rowan, so that the use has the flexibility of using the loop to carry desired items as required for a particular application thereof.

With regard to claims, 4, 8, 9 and 21, it would have been obvious that the loop of Hyung-Seob can have any desired configuration as required for a particular application or end use thereof.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyung-Seob in view of Rowan as applied to claim 1 above, and further in view of Zagorski et al. (US 4,966,322). Hyung-Seob discloses the invention as set forth above except for showing the loop being closable by hook and loop fastener.

Zagorski et al (hereinafter Zagorski) discloses a garment having a loop (4) that is closable by hook and loop material to secure a spectacle (5), col. 2, lines 28-36 and as shown in figures 1 and 5.

It would have been obvious to one skilled in the art at the time the invention was made to form the loop of Hyung-Seob when viewed with Rowan having hook and loop fastener as taught by Zagorski, so that the desired items secured to the loop are adjustably fastened thereabout.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (703) 306-9184. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

December 2, 2004



**TEJASH PATEL
PRIMARY EXAMINER**